



**SHERWOOD CITY COUNCIL MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**October 1, 2013**

**EXECUTIVE SESSION**

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 5:38 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, Robyn Folsom, Bill Butterfield, Matt Langer, and Krisanna Clark.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Recorder Sylvia Murphy and City Attorney Pam Beery.
4. **TOPIC:**
  - A. City Manager Performance Evaluation, pursuant to ORS 192.660(2)(i) Performance Evaluation and 192.660 (2)(f) Exempt Public Records.
5. **ADJOURN:**

Mayor Middleton adjourned the Executive Session at 6:25 pm and reconvened to a Council work session.

**WORK SESSION**

1. **CALL TO ORDER:** Mayor Bill Middleton called the meeting to order at 6:30 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, Robyn Folsom, Bill Butterfield, Matt Langer, and Krisanna Clark.
3. **STAFF AND LEGAL COUNSEL PRESENT:** Julie Blums Finance Director, Julia Hajduk Community Development Director, Craig Sheldon Public Works Director, Jeff Groth Police Chief, Colleen Resch Administrative Assistant and Sylvia Murphy City Recorder. City Attorney Pam Beery.
4. **OTHERS PRESENT:** Chris Bell with Bell and Associates, Mike Leichner and Kristin Leichner with Pride Disposal.
5. **TOPICS DISCUSSED:**

**A. Solid Waste and Recycling Rate Review.** Chris Bell with Bell and Associates provided a rate Review Report to the Council (see record, Exhibit A). Mr. Bell explained future increases in collection rates and factors that affect the rate increases. He stated the rates were last adjusted in 2009. He explained the report indicated the current request for an increase in rates and he sought the Council's opinion of including the anticipated future Metro increase or move forward with the rates in the report. The Metro increase would occur in August-September. Discussion occurred regarding areas serviced by Pride Disposal and rate comparisons to other jurisdictions. Mr. Bell explained the reasons why rates are different for serviced jurisdictions and level of services affecting the rates. Council asked if residential rates could remain and having an increase to drop boxes. Discussion occurred regarding mandating services. Mr. Bell explained his recommendations for services and rates and recapped Table 4 of the report indicating the proposed rate increases. Discussion occurred regarding the current rate of return percentage, the average rate of return and the proposed increase of rate of return and including the anticipated Metro increase now versus instituting an additional increase in the near future. Mr. Bell explained the causes for Metro increases. Discussion occurred regarding notice requirements when implementing rate increases.

City Attorney Pam Beery asked if the Council was comfortable with the rate increase of 9% as presented. The Mayor indicated he would like to see 6%, no objections were received for the 9% increase. Council briefly discussed the next steps of noticing and staff bringing back legislation for Council consideration. Discussion occurred regarding recycling of electronic.

## **6. ADJOURN**

Mayor Middleton adjourned the work session at 7:00 pm and convened to the regular Council session.

### **CITY COUNCIL MEETING**

- 1. CALL TO ORDER:** Mayor Middleton called the meeting to order at 7:08 pm.
- 2. PLEDGE OF ALLEGIANCE:**
- 3. COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, Robyn Folsom, Bill Butterfield, Matt Langer, and Krisanna Clark.
- 4. STAFF AND LEGAL COUNSEL PRESENT:** Joseph Gall City Manager, Tom Pessemier Assistant City Manager, Jeff Groth Police Chief, Julia Hajduk Community Development Director, Julie Blums Finance Director, Craig Sheldon Public Works Director, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy. City Attorney Pam Beery.

Mayor Middleton addressed the Consent Agenda and asked for a motion.

## **5. CONSENT AGENDA:**

### **A. Approval of September 17, 2013 Council Meeting Minutes**

**MOTION: FROM COUNCIL PRESIDENT HENDERSON TO ADOPT THE CONSENT AGENDA, SECONDED BY COUNCILOR FOLSOM, MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR.**

Mayor Middleton addressed the next agenda item.

## **6. PRESENTATIONS:**

### **A. Eagle Scout Recognition**

Mayor Middleton announced that Sherwood had 4 new Eagle Scouts and read the following names and asked the scouts who were present to come forward: James Domeika, Joseph Karceski, Misha Feves, and Scott Skurdahl. Joseph Karceski came forward and Mayor Middleton asked him to explain his Eagle Scout project. Joseph stated his project consisted of building 4 picnic tables and 8 detached benches for the Sherwood Senior Center. He said he decided to do the project because the tables were in disrepair and unsafe for the seniors to use. He stated he raised funds and bought wood and other materials, and it took one day to build the benches and then he delivered them to the Senior Center and disposed of the old tables. Mayor Middleton commented on the significance of the project for the seniors and complimented him on the tables. Council President Henderson thanked Joseph and stated that they borrowed one of the tables for the production of Oklahoma and noted how nicely they were made. Mayor Middleton thanked Joseph for his service and contributions and presented him with a Certificate of Achievement.

Mayor Middleton said he would like to find out about all of the Eagle Scout projects and publicize them on the City website.

### **B. Student Recognition, Sherwood High School Track Team State Champions**

Mayor Middleton congratulated Coach Terrel Smith and the Sherwood High School Track 4x400 boys relay team for placing 1<sup>st</sup> in State. He presented Cole Nixon and Hunter Pfefferkorn with certificates and asked them to explain their achievement. The athletes stated that their time was 3:24.78 which broke the school record and was the first time Sherwood won this event. Councilor Folsom asked the athletes what their splits were. Cole Nixon said 49 and Hunter Pfefferkorn said his was around 51. Other members of the relay team not present were Emil Eriksson and Cristian Morris.

Mayor Middleton addressed the next agenda item.

## **7. NEW BUSINESS**

### **A. Resolution 2013-052 Authorizing the City Manager to enter into a contract with Murray, Smith & Associates, Inc. to update the City's Water System Master Plan**

Public Works Director Craig Sheldon came forward and stated the last Master Plan was completed in 2005. He noted that we switched water sources and these plans should be updated every 5 to 7 years. He said they held off on the plan until the last segment of pipe is completed next month and all of the water source will be coming from Wilsonville. He said the project went through an RFP process through the Daily Journal of Commerce for on-call engineering and the Water Master Plan was stated in the

RFP. He said they received four proposals from engineering firms, 3 people did the rating, and there was an average of 20 points difference with Murray, Smith and Associates coming out on top. He stated they did not do interviews since there was such a difference and there was no protest. He noted they have negotiated with MSA for \$102,204 and said in 2005 the cost was \$140,000 and it had a water conservation management plan with it so there is some savings because we don't have to do that until 2017 through the State. He asked for authorization for the City Manager to sign the contract so we can move forward.

Councilor Butterfield asked Craig to explain the purpose of the Master Plan and why it's important to do.

Craig said it will evaluate the existing system conditions and recommend the appropriate water distribution as well as projects that are in the water treatment plant in Wilsonville. He said the Plan will include appropriate water rates and SDC charges and will update our hydraulic model and a variety of other things. He commented that it gives us direction on what we need and how to move forward.

Mayor Middleton commented that it gives us a good vision for the future on our water. With no other comments the following motion was received.

**MOTION: FROM COUNCIL PRESIDENT HENDERSON TO ADOPT RESOLUTION 2013-025, SECONDED BY COUNCILOR BUTTERFIELD.**

A corrected motion was stated to identify the correct resolution number.

**MOTION: FROM COUNCIL PRESIDENT HENDERSON TO RESCIND HER MOTION AND MAKE A NEW MOTION TO ADOPT RESOLUTION 2013-052, SECONDED BY COUNCILOR CLARK, MOTION PASSED 7:0, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR.**

**B. Resolution 2013-053 Authorizing the City Manager to purchase playground structure and swing set for Murdock Park**

Public Works Director Craig Sheldon stated that in May 2013 with the budget process, Council requested the City Manager include this project that was removed from the budget. He said there is a structure that was put up in 1998. He explained most structures last 15 years but we get 15 - 20 years due to providing a variety of materials and said over the last 8 years we have put a lot of money into this structure. He noted they began by seeing what would fit into that park and what the needs were for that neighborhood. He said they started with about 15 different structures and narrowed it down to 4 and brought them to the Parks Board in August and asked them to narrow it down to 2. He stated they went through a public process and sent letters to residents and invited approximately 500 residents to an open house. He stated 32 residents attended the open house on August 19 at Murdock Park to review the 2 structures and they voted 29 to 3. He said they took the results back to the Parks Board in September and they recommended moving forward with option 1. He showed the Council pictures of the 2 options and stated that option 1 (see record, Exhibit B) is a little different than what we have in our park system and said it has a climbing rock, is a smaller structure and will include a swing set.

Craig informed the Council that Renee Brouse has submitted a grant application through the Rotary Club for \$50,000 as well as an additional \$2,000 for surfacing material for this project. He said according to Renee the \$2,000 grant went through and he said the Rotary is waiting for us to move forward in

terms of the \$50,000. He explained funding and said we have about \$90,000 left over from the Synder Park turf field replacement so that is how we were going to fund this project. He noted that with that money and the \$50,000 for option 1 was \$119,000 and we asked for \$110,000 in the budget and there is a \$7300 savings off the state bid for that structure as well as staff time. He noted it does not include the border, installation or the demo and said they will work with the Rotary to do the demolition part in January or February. He said they are looking to purchase this structure for \$64,304.39.

Council President Henderson asked if we get the grant from Rotary after the fact, where will that money go. She asked if it would go back into Parks Capital Fund and they could replenish what we used or use it for another project and asked if there were any stipulations to the grant.

Craig asked Renee Brouse to respond and said he knows that the City is contributing \$2,000 along with the Rotary \$2,000 for surface material.

Renee Brouse came forward and said \$2000 is stipulated to go towards the ground cover and the \$50,000 was specifically for Murdock Park and she said as soon as she has the paperwork it has already been granted and she could have it as soon as Friday. She said the Rotary has offered sweat equity to tear down the existing structure, so it is more than just the capital that Rotary is providing.

Councilor Henderson clarified that the purchase price does not include installation, but we are certified.

Craig said we are certified through the Playground Association to install part of it. He said they have a variety of things to keep ahead of schedule for spring and they will probably install in February. He said it will not arrive until the end of December.

Renee Brouse added that she is trying to write a grant for another couple thousand dollars for the same project.

Mayor Middleton asked if that was one of our oldest parks with the play structure.

Craig said that structure, Stella Olson and Langer Park were all put in about the same time.

With no other questions or comments, the following motion was received.

**MOTION: FROM COUNCILOR FOLSOM TO ADOPT RESOLUTION 2013-053, SECONDED BY COUNCILOR LANGER, MOTION PASSED 7:0, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR.**

Mayor Middleton addressed the next agenda item.

## **8. PUBLIC HEARING**

### **A. Ordinance 2013-008 Amending the Municipal Code to add Chapter 9.54 Regulating Camping in Areas Open to the Public**

Assistant City Manager Tom Pessemier came forward and stated staff is bringing back language based on the Special Committee's recommendation for a camping ordinance and said staff has also had a

conversation with the Council to look at the language they put together to get some suggestions of some improvements the Council would like to see to that ordinance. He said what you have is an ordinance that has taken the language from the Special Committee put into an ordinance form and if this gets adopted it will be clear why this ordinance is being passed and Section 1 through 4 would implement it.

He said the changes to the language were based on comments from Council; such as capitalize *Areas Open to the Public* to make sure it was clear that it was the definition that was defined within the ordinance under section 9.54.020.A and under that same section they added language in the last sentence *such as a residential property including the yard* to make sure that it was clear and an area open to the public did not include yards for residential properties where someone might want to set up a tent on their own property. He read the entire sentence to avoid confusion: *"Areas Open To The Public" does not include those areas of improved private real property that are not open to the public such as a residential property including the yard.* He said they tried to make it clear that you would not need to follow this ordinance or language in order to set up a tent in your yard. He said staff also went through the language and made suggestions which are included in the staff report. He stated the Chief of Police suggested adding *Crime Victimization* to the list of activities in the Purpose Section. He said another was to make clear that the City Manager or City Manager's designee may grant a Class A Variance and if it was a Class B Variance it would be coming to the City Council. He said it was kind of stated but not very clear. He said they also suggested adding the language: *If requested by the applicant the City Manager may extend a Class A variance by up to 15 calendar days if Council cannot consider a Class B variance because of scheduling issues.* He stated what we found with the noise ordinance, which has very similar language, if we can only do a variance for 15 days the Council may not be meeting within this 15 days or it may not be able to get on the Council calendar during that period of time so staff wanted to make sure in those types of situations, if there was a need and if because of a timing issue, the applicant wasn't having to pull up stakes. He said staff is also suggesting to clean up the Civil Penalties section to say: *A person who violates any provision of this Chapter is subject to a civil penalty Class C violation for each day a violation occurs.* He noted currently a Class C Violation is \$100.00 and codes change so we tried to standardize that and give consistency throughout the code and it allows the code to change over time based on what typically happens based on those types of violations. He said that is where we are at and asked if the Council would like to adopt tonight, or asked staff to change more language.

Mayor Middleton asked Police Chief Groth to address the victimization language.

Chief Groth said that it is his belief that if somebody sets up in a parking lot overnight they do not have the level of protection that somebody would have in their residence. He referred to thin walls of RVs and said any number of things can happen and if somebody has a camp set up somewhere they are subject to all kinds of potential things. He said he believes it lends itself for the police to help keep people safer.

Mayor Middleton opened the Public Hearing.

**Jim Claus**, Sherwood Resident, approached the Council and commented that we have created two area, a free enterprise area called the Urban Renewal District that does not have any of these codes apply because they go back to 1995 and that needs to be clarified. He gave an example and stated that Mr. Galati sent Andy Sterling around to look at his subdivision and said he knows a bit about building codes and when Mr. Sterling was done he asked if that was the standard he was going to do. He stated he then looked at the Langer PUD and made a phone call and got a state inspector out. He said why Mr.

Sterling could not have gone over there and said it is because the building codes, engineering codes and the zoning codes are different over there so you have a free enterprise zone with no rules, yet you keep passing ridiculous standards. He stated that you are either an invitee, a licensee, or a trespasser. He referred to the 5 story new building being built and it being an instant slum and said that if you go to sleep in the lobby you can be fined \$100. He asked what are you doing going inside a building where by demand the person is a trespasser. He commented it has taken us three years to remove trespassers off the street and that is public. He asked what are you doing entering private property when all the land owner has to do is say you are not an invitee, you are not a licensee, you are a trespasser and call the police. He asked why do you have to keep refining this and doing this. He referred to Section A on the application for variance and said he has never seen variance standards like this and said a variance is an exception and said the first thing you are not supposed to do is an exception to the code itself. He said he does not understand this thing, but he does understand, and referred to a debate with a friend on being a socialist and them not believing in private property. He said every time you turn around you try and redefine common law private property and referred to Taft doing a better job memorializing and suggested the Council read this. He said he does not know how you're going to get a variance here unless Joe Gall gives it to you. He said if he is a trespasser, I'll remove him, if he is a licensee, I want him there, if he's an invitee, I want you to stay out of it. He commented that they do that on Langer's and asked why they don't do that with the rest of us. He said the problem is why are you not fundamentally putting in these rules across this uniformly. He said every time we turn around you restrict, take property and then enforce the law unevenly. He referred to violating the 14<sup>th</sup> amendment and stated that is what this is about.

Mayor Middleton asked City Attorney Pam Beery to address these issues and asked if they apply to that area.

Pam Beery stated that is it within the Council's discretion and said she is not sure she fully understands the concern. She stated the selective enforcement issue is not relevant to this ordinance, this is legislation the Council is considering enacting. She said if there is a concern with selective enforcement then Mr. Claus can speak with the City Manager about that.

Mayor Middleton asked if there was any other public comments, with none received, he closed the Public Hearing and asked for Council comments.

Councilor Langer commented on the definition of *Areas Open To The Public* and commented on the case that churches are areas open to the public and referred to Section B defining camping as the use of any Area Open to the Public as temporary quarters for the purpose of such activities as listed here. He gave the example of 5 "*conducting cooking activities*" and suggested that churches having a barbeque would have to get some sort of variance and retail shopping centers, such as Albertson's barbequing in the front parking lot. He said we need to change the fundamental framework or in the camping section get rid of definition 2, 3, and 5 and just stick with 1-Sleeping and 4-Making Fire. He said if we don't get rid of 2, 3 and 5 then we have to redefine the camping as such that you have to be doing more than one of these things at a time. He said either way, in his opinion, there is not a problem currently that we are writing this for and this is part of what is creating the confusion and we are trying to write an ordinance around an estimated problem and it will be a bit cumbersome.

Councilor Grant stated he agreed and said he has never heard this is a problem in Sherwood, until we heard it was going to be a problem with Walmart and he said this has roots in the anti Walmart

movement and he agreed with the citizen that if a store wants somebody on their private property they should have them and if they want them gone they should get rid of them. He said this is not our problem and he doesn't hear the citizens asking us to write new legislation for this. He agreed that if this is moving forward he would like to hear a motion to get rid of some of the definitions of camping. He suggested we wait until Walmart is built to see if there is a problem that can't be addressed with the noise ordinance or other type of vandalism ordinances that we currently have. He stated he doesn't believe there is a problem now and believes we are predicting a problem and we can quickly write an ordinance if there is a problem and he doesn't think citizens want us doing this.

Councilor Butterfield stated he agreed with Mr. Claus and said we should look at this and redefine some of the definitions to make it clearer.

Councilor Folsom commented that she was interested in this as she heard the Police Chief say this would be useful as a tool. She said she agreed with Councilor Langer that it would impede things that are already acceptable in our community that are happening and she asked the Chief what he needs as a tool.

Chief Groth said it comes down to what you all want to regulate and not regulate and the tool is the ability to enforce that simply, clearly and proactively. He said when we have a discussion about whether it is a problem or not, it is not in the top five things that we deal with but it does occasionally occur where we have to respond to somebody that has set up a camp somewhere. He stated that since this was last discussed we have had a couple of instances with people camping. He said one was occupied and it was on City property so it was easy to tell him to move on. He stated they went back a few days later and he had moved, but only 50 feet and we then dealt with that. He said they found an abandoned camp in a residential area, a greenway that had been set up with a fire pit. He said we don't know if it was neighborhood kids, but it does on occasion happen and if we don't want that to happen, having a clear tool would simplify our job. He said the other issue is whether you want people setting up in parking lots, and said that we have dealt with this most recently before Kohl's moved in. He stated that when the lot was vacant someone drove their RV in and it took several days to get ahold of the right people to determine if they wanted someone there or not there. He said it was not a big deal but took more time than it should have. He said from a policy decision if we don't want that to happen for the reasons that have been discussed, then we need to have a tool to say that you can't do that.

Councilor Folsom said the tool you use now is just for City property, Chief Groth confirmed. She asked if it were on private property you have to alert the owner and have them decide, Chief Groth confirmed. She commented that if it were an existing business and not a vacant building and they have a posted sign, such as No Overnight Parking, it's their job to enforce it, but could they ask the police for assistance.

Chief replied they could, and you are right on both counts. He said it is their job to enforce that and they could ask for assistance in one of two ways; they would either call us and say we have asked them to move and they have not or they would partner with us and provide a letter that gives us the authority on their property, similar to what we have with several businesses now, we can act as their agent with their consent and written documentation. He said in particular when they are closed at night.

Councilor Folsom asked if most of these businesses would have signs posted.



Chief Groth said he would hope they would and said there are all kinds of businesses that we have these agreements with to help them keep crime down and help take care of their property and they are not all big parking lots and they all may be posted differently.

Council President Henderson followed up and asked in that situation, where you don't have an ordinance to quote, what is the penalty if they don't move or don't move in a timely manner and they have been asked by the owner or police.

Chief Groth stated that is trespassing.

Councilor Henderson stated only if the private property wants to go that route. Chief Groth stated this is correct.

Chief Groth stated this is all spelled out in the program we have, spelled out in the letters, so we don't have to sort through that. He said if we are going to partner with somebody we will ask that they put this in the letter that they will prosecute, so we don't have to deal with this down the road, and they then decide to not prosecute then we waste resources.

Councilor Henderson referred to the recent situations with camping and asked if they were outside. Chief said yes.

Councilor Henderson asked if they were on private property accessible to the public. Chief Groth replied one was clearly city property and the other he wasn't sure but it was accessible to the public and he is not aware of the formal ownership.

Councilor Henderson asked if the second situation with the abandoned camp was brought to your attention by a resident. Chief Groth said he believes some officers found it while patrolling.

Councilor Henderson referred to page 1, on the definitions for camp or camping and she said she did not think of churches having barbeques as camping. She said when they camp they are eating and may or may not be cooking. She asked if we strike conducting cooking activities does that change the intent of the law.

Tom said no he doesn't believe it does and stated the Special Committee spent a fair amount of time on this section for a number of reasons and said the advice they were given was the first sentence of that is the primary sentence, *camp or camping means the use of an Area Open To The Public as temporary quarters for the purpose of living, sleeping or residing*. He commented the sentence that follows; *such activities may include, but need not be limited to any of the following*. He said this was more of an attempt to advise an officer who might be dealing with what types of activities might include. He said it was very clear in a conversation we had, that obviously any officer will need to utilize discretion and decide what are the purposes of living, sleeping and residing and those were examples of things that could or could not be helpful.

He stated some people on the Special Committee wanted to limit it down as we are suggesting making it clearer and believes the Special Committee felt that any officer going out and doing this would be using their discretion and if it was a church barbeque they would not be citing them. He said we had that dialog and ultimately the Committee chose to go with the language that was given to them as provided

by another jurisdiction and leave it broader. He said this is a choice to the Council and doesn't believe any of these would violate the intent of what we are trying to accomplish or restrict an officer's ability.

Councilor Henderson clarified that if a church has a summer barbeque they will not have to apply for a variance because the intent of the activity is not to sleep, live, or reside. Tom said that is correct, but a church may want to have a barbeque followed by a campout and which case they would need to apply.

Councilor Henderson commented on the public notification for a Class B Variance and said she agreed with Councilor Butterfield that we may want to continue to review this. She referred to the sentence stating, *a Class B variance shall post notice along the nearest public road at the boundaries of the property containing the Area Open To The Public for which the variance is sought so that the notice is visible from the public road and publish notice thereof in a newspaper of general circulation in the city*, and asked if this is in line with what we do with the noise ordinance. She asked what the cost is for noticing in a newspaper and are we just going to do the gazette. She said this is not well defined and posting a public variance on the property and having to do a published notice in the paper seems like a little over kill. She said that she is trying to understand the reason behind this language and why they thought it was important or necessary.

Tom said he would need to verify but believes this is similar language to our noise variance ordinance and it is your discretion as to how much public notice the Council feels is helpful to make your decision because this is something that would be coming to the Council and this would be an opportunity to make sure as many voices that could be available would be heard and if you thought publishing on the property was enough that would be a way you could go, but putting it in a paper usually gets a broader audience.

Councilor Henderson asked if publishing in a paper means the Gazette or the Oregonian. Tom stated typically posting is done in the Tigard-Tualatin Times because it is regular and a lot less expensive and is of general circulation. He said they would have options and the Gazette would be a challenge with a monthly circulation.

Councilor Henderson asked what it costs to put a land use notice in the Oregonian. Tom replied he thought it was around \$600, depending on the number of words.

Councilor Henderson commented on the language under the Class A Variance stating, *The City Manager or his or her designee will grant a variance within three days*, and said she believes this is too short of a period of time to gather information and said she would recommend 5 or 7 days. She stated it says "shall" and we could change that to "may" within 5 days of receipt and said if it's received on a Friday, he may not get to it until Monday.

Tom suggested keeping the word *shall* because *may* could turn out to be forever. He commented that if you changed it to 5 or 7 days this doesn't mean the City Manager couldn't get it done in 3 days, he would probably process it as quickly as possible.

Councilor Clark said that since our Chief is saying that it is already a problem that he has encountered, then it is a problem. She said the clarification on the camping definition not being a church barbeque but specifically for the purpose of living, sleeping or residing, she believes it is not necessary to take out any of the definitions, because that would not apply. She stated she believes in reference to comments

made by Council President Henderson, that the language should be *may* not *shall* and agrees that 3 days is a short period of time to review. She said on the notification on the Class B, being that there is not a lot of readership of the newspaper, do we have any kind of discretion in posting it on the City website as opposed to a newspaper where more people would probably read it.

Tom responded that you have as much discretion as you want when it comes to public notice. He said that is not a standard practice and as we move towards those tools would be more available.

City Manager Gall stated the other option related to the website is we have distribution lists of people that are interested in certain aspects so when we do notices and people sign up for notices, they would get that. He stated he believes we are still stuck with doing newspaper notices and said that we still put notices at Albertson's on the bulletin board and said a lot of cities have gotten out of this.

Pam Beery commented that there are certain statutory requirements for this phraseology, a newspaper of general circulation, is a statutorily defined term and the newspaper has to provide documentation that they have regular subscribers, at least 50% of their readership. She said papers that are placed in boxes don't qualify and with the changes in the Oregonians structure lately there has been some concern about which papers qualify. She said it does limit the number of papers that could be used, and there is no legal requirement that it be in a newspaper, land use actions are required, but not this. She said it is your discretion how the notice is done.

Councilor Clark said she thinks it should be on the City website and more Sherwood citizens would read it on the website than they would in the Tigard-Tualatin Times.

Mayor Middleton said he would not have a problem with that as most are simple such as Christmas tree lots and fireworks stands, nothing that is out of the ordinary and we have been doing them for a long time anyway. He asked how have we been handling these in the past.

Tom asked for noise variances? Mayor Middleton replied for those that would be affected by the notice of the newspaper. Tom replied he doesn't completely understand the question.

Councilor Henderson said in the past and gave the example of a special event and an additional process in town, some events require a noise ordinance review and some don't, and it depends on the amount of people that will be visiting the site. She asked if this ordinance will change the way we have handled the special events in the past, will it trigger the need for a special event permit because there will be overnight camping?

Tom said no, however it may get rolled into a special events permit, which is the way a noise variance would work. He said the reason we put the special event permit together is because there are multiple areas of the City that you are touching and multiple ordinances. He said in the past if you needed a noise variance you wouldn't be paying an extra fee because you are already paying for a special event permit fee, but it would be handled through the process. He gave examples of needing an OLCC license or anything else related to the event. He said there is nothing in the criteria of this that would require a special event permit but this may be a tool that is used during the special event permit process and will probably be put in an application form for someone to fill out and be reviewed as part of the application packet.

Councilor Henderson said in the past when we have had a multiple day event like fireworks stand or tree sale lots did we have police oversight or Fire Marshall oversight. Tom replied it depends on how many people and whether or not they were doing the special event permit.

Community Development Director Julia Hajduk said that those generally require a temporary use permit if they are over a certain amount of time or they might be exempt from a temporary use permit, but they still have requirements to meet to get Fire Department sign off. Councilor Henderson confirmed on private property, Julia replied correct.

Councilor Henderson said, in the past they have filled out a special event permit. Julia replied, not a special event permit, a lot of those are exempt from a temporary use permit but they still have to meet certain criteria.

Tom said in that particular case and gave the example of needing to be on site to protect their trees, then that is a part of that temporary use permit they would fill out this form and it would be processed. He said it adds another task that may need to be done and that is why we tried to make it fairly simple with a Class A. He noted the Special Committee thought carefully about the 15 days, because we do know there are times where people are doing things, whether it be for Cruis'in or fireworks sales or for selling of trees and within that 15 days, they would all fit inside of this. He said it would be a basic application that could be processed within 3, 5 or 7 days.

Mayor Middleton said that any handle you can give the Police Department is worthwhile. He referred to his experiences in law enforcement and said this will all be discretionary. He said he doesn't think that we will be out hammering people and said if we get a park system through town, you're going to see issues. He commented that this gives them another tool and said this is an issue that is handled in numerous cities with ordinances. He said it may not necessarily be Walmart but more and more there are transient type people finding that they can use areas to camp and if you have this tool it will be handy and if you don't the trespass law is not as easy. He said we have a good Police Department that uses discretion and this would be a good tool for them to have and to use when they need it. He commented that anything we can do to make is easier and safer for the community is what he wants to do.

Councilor Langer said he is not arguing with the living or sleeping or the homeless camp and referenced to some of the testimony tonight regarding calling up the City to go to another property to look at "x" and we may be setting ourselves up for property owners to be calling on each other when they are upset with one another. He referenced language of *parking of any motor vehicle, motorhome, recreational vehicle* and people calling to have concerns looked into. He said he did not think this sort of stuff is necessary to enforce the camping, sleeping and living part. If we focus on the living, sleeping part then we are ok. He said the additional definitions, 1, 2, 3, 4 and 5, just opens us up for a mess and doesn't believe it's necessary to get to the goal we are trying to get too.

Mayor Middleton said that 1 is the one that is on the sleeping, bedding for the purpose of sleeping and said this is the one that will be in effect the most when we build our parks out.

Councilor Langer said he is just following up and what he heard was that the first sentence is the most important and the one that is needed and if that's the case then get rid of everything after the first period.

Mayor Middleton stated that he would get rid of number 5 and referenced number 4 and said he does not want fires in town.

Councilor Langer said that if the argument is going to be.....he commented on how confusing this is already, and if the argument is that sentence 1 is the one we are really after and number 1-5 don't really mean anything, but when you flip the coin over and now think number 4 is important, he said this is what he was trying to say the first time.

He said when you have things defined like cooking activities and parking of a vehicle or storing of personal belongings, that's very vague. We are all talking about camping, and sleeping and living. He shared a recent experience of seeing a parked RV and considering this language to determine if the RV had people residing and or cooking and then determining if code enforcement would be called. He said we don't want to be wasting our police resources on these types of phone calls. He said the other sort of legitimate reason these people have to park is for safety. He referenced parking at the Sherwood Target in early morning hours on weekdays and seeing commercial trucks or RV's parked there and said you know within reason they are sleeping for safety and probably got tired and pulled over to take a rest for a few hours. He said he has experienced seeing them at 4-5 am and by 6 am they are gone. He asked do we really want to write an ordinance where anybody's wasting time running those types of people off, because Sherwood suddenly becomes "that town" that won't allow you to rest for safety and now have to drive further and cause an accident.

Mayor Middleton said that is why the police department has the discretion. He said he thinks this goes to a broader picture, looking towards the future when we have more areas that will be more accessible for people to utilize the camp. He said our ordinance code is huge and we don't enforce them all and we do if we are called to and it's visible, this just gives them a tool to eliminate the problem immediately. He said if someone is camping at 1 am in the bushes on somebody's property the Police can't ask them to move because there is no trespass posted. Mayor Middleton referred to the police department using common sense and being called to these types of calls and other people calling in to place a complaint and these wasting resources. He said this gives the police a good tool and it's handy to have a good resource at 3 am.

Councilor Langer said he is not arguing that we don't need to provide the police with the right tools, we just need to be providing the right tools so we don't create a problem of wasting resources.

Mayor Middleton asked if this ordinance was taken off of other city ordinances.

Tom said yes and the camping language was taken from another city but he can't recall which one. He said it is not surprising that the Special Committee went round and around on this issue as well. He said the first sentence is the most important and there may be others that are helpful. He asked for Chief Groth's thoughts and said the sleeping, living and residing is pretty easy to understand and having an officer use their discretion.

Chief Groth added that he agrees with everything that is being said and commented regarding being careful with the language and said there are times for the police department that simpler is better because we can interpret the code and we know what the intent of the code is. He said he did not see any problems with this ordinance at all and agrees with both Councilor Langer and the Mayor. We are

going to enforce this like we do everything and it will be obvious when someone is camping and when they are not. He said he prefers simpler code language.

Councilor Langer stated he attended a Special Committee meeting and Sherwood Les Schwab was there and gave a good example of why this language doesn't work and it hasn't changed since that testimony. He gave the example of Les Schwab having customers in an RV with major problems and they camped in Les Schwab's parking lot for three nights. He said there is no time to get a variance because it took them that long to get their vehicle fixed. Mr. Langer stated Les Schwab has a lot of people that come unannounced for Cruis'in and camp in RV's in their back parking lot. He said Les Schwab provided a couple of examples that apparently did not get any credibility in the language here. He said he believes there are several circumstances here that will create problems and hassles.

Tom replied in reference to the second item, this would probably require a variance, but the first item they did deal with that in Section C of 9.54.050, it says; *Notwithstanding any other provision of this chapter, the Chief of Police, the City Manager or the City Manager's designee may permit a person to camp in areas open to the public (1) a situation exists that necessitates the need to camp in the Area Open To The Public; (2) the use of the Area Open To The Public for Camping purposes will not, on balance be unduly detrimental to the public health, safety or welfare.* He said they specifically did hear that, comments about someone being stranded and not having any other options and they made sure this section was there to address that. He said these decisions can be made in emergency situations.

Councilor Langer asked how do they go about getting the information. Tom replied a police officer would be making that determination as they came across it looking at this code.

Chief Groth replied, ideally they could just give us a call. Councilor Langer replied, they aren't going to know what the code says. Chief Groth replied but the owner does and provided examples of scenarios.

Councilor Henderson stated Chief Groth indicated simpler is better and if we directed staff to bring this back to us for consideration where we struck all the additional definitions, 1, 2, 3, 4 and 5, for the purposes of living, sleeping or residing and in Councilor Langer's example of the long haul driver coming through town, pulling over because they are tired, currently is that not allowed on Target's property by posted sign. She said they are spending the night to catch up on sleep and picked this parking lot because of its ease, currently does Target want these people gone.

Chief Groth replied he can't answer this question and doesn't recall seeing any signs posted. She said in this situation the property owner would receive a call from the officer. Chief Groth replied, right now, yes. Councilor Henderson stated even under this ordinance, the driver would get a knock on his cab if the property owner called or if they have been there for an extended period of time. Chief Groth replied that is not correct and his understanding is with this ordinance, they would get a knock on the door when we discovered them and we would check if they are staying overnight.

Councilor Henderson asked if that person parked on a public street would we do the same. Chief replied not necessarily, it depends on where they park on that public street, and a whole host of other rules may apply.

Tom added the Special Committee wrestled for a long time about defining how long that might be, 3 hours or 5 hours and decided not to put a timeframe on it because of the language in the variance with the police officers discretion.

Tom said it doesn't sound like we are ready to make a decision tonight and he recapped the discussion to bring back language that is as close as possible to the conversation.

Tom asked if the Council had issues with adding crime victimization to the definitions. No objections were received.

Tom stated it sounds like we have to simplify the definition of camping and we can work with the City attorney and Chief Groth to come up with some language that reflects your comments. He said he believes the Council is together on language of not wanting, living, sleeping or residing and it's a matter of how we get there to make it clearer.

Tom stated notification for a Class B Variance which he doesn't believe we will see many of, something being posted on the City website.

He stated he had language under section 9.54.080 Variance Review which made it clear that the City Manager or his designee do a Class A, Council was in charge of a Class B and it allowed the City Manager to do an additional 15 days for scheduling reasons. He asked if there were any concerns with that.

Councilor Clark stated Tom went from .080 and talked about .090 and said under .090 we spoke about A, the Managers designee *shall* and we think it should say *may*. Tom replied he thinks *shall* is good because if we put *may*, then it could be forever. Councilor Clark replied the other was the 5 days, changed to 5-7. Tom replied yes, the 5-7 days and we need to pick one and suggested 5 days is easily doable for the City Manager. No objections from the Council were received.

Mayor Middleton asked about the variance and asked if it is required to come back to the Council on all Class B Variances, can these not come to the Council and stay with the City Manager's office. Tom replied, the way this is put together it kind of contradicts itself, which is the same thing we have in the noise variance, because it suggests the variance decisions that the Council shall grant a Class B variance and when it talks about variance review, it's not specific as to where that goes. He said he would think that anything over 15 days is something that the Council would want to see as it could be a situation where someone wanted to set up for months. He said if you want to create a Class C Variance we can take a look at something else, but the way that it is proposed was 15 days with the City Manager.

Mayor Middleton asked how many Class B requests have we had. Tom replied none and said he did not hear in the examples of the history that we have heard that any of them would be typical Class B type camping.

Julia Hajduk added the example of a temporary use where a construction trailer was present with a night watchman that would be there for an extended period of time and this is not something we currently have. Comments were made regarding the night watchman hopefully not sleeping.

Mayor Middleton said to inform the Council he thought would be good enough. City Manager Gall replied as this is new territory, he suggested having these come to the Council in the beginning and as they become routine the Council could always change the code.

Mayor Middleton stated in the interest of compromise, the definitions 9.54.020, personally he is willing to drop 3, 4 and 5 on the camping. He said it still include the preparation to sleep and the motor vehicle.

Councilor Clark replied in the language *may* include, is key in the beginning sentence, that gives the police the discretion and said she doesn't find this cumbersome and doesn't think that it puts you into a box and just helps to say that those definitely apply. She said she agrees with the Mayor that 1 and 2 are critical, 3, 4 and 5 are fine with her and is ok if the rest of the Council wants them stricken.

Tom stated staff will bring this back to the Council at a future date. No objections from the Council were received.

Mayor Middleton addressed the next agenda item.

## 9. CITIZEN COMMENTS

Nancy Taylor Sherwood resident came forward and commented regarding how much you want us to pay, doing half the job on any project at triple the cost. She said she wanted to give citizen perspective as she just sat through a lot of perspective from developers. She said we as citizens pay mortgage, utilities, taxes, and we commute, and said she doesn't ever hear the Council talk about that. She said you seem to pick and choose what you're going to talk about and said since she has been coming to the meetings, she now understands how you process here in Oregon and in Sherwood. She said she agrees with Mr. Claus's comments about there being two Sherwood's now and this development of Sherwood includes this belt from 99 over to Matt's property or Matt's property to be sold. And then there's the rest of Sherwood and said when she reads the newspapers anymore it's just about this fantasy Sherwood and it's not about the real Sherwood, the one I represent, where we pay taxes and mortgages and things like that. She said within the utility bills there's fees and I see them going up and up and what are they paying for, more shenanigans, more stuff, more privileges for a few on the backs of the rest of us. She stated to be clear, we are watching you and said she is getting tired of it and it seems to her that week after week when she comes, she hears the same thing from all of the Council, which is let's stick it to those taxpayers some more because other people need the money.

Chris West Sherwood resident came forward and stated he and his family moved here 13 years ago and is here to voice concerns of the decision of Washington County to remove the traffic light at the Regal-Albertson's intersection. He said he heard of this late last month and said his family members are regular patrons of most of the businesses in the affected area and his teenagers walk around town and ride their bikes and they frequent the cinema and A&W and if that light is removed he is very concerned about them crossing Tualatin-Sherwood. He said he is further concerned with the decision of the County that it's going to limit the options of first responders to go to the Regal Center and for the fire department they have a direct route through Langer Farms Parkway and turn left and they can make that right into there, but any other support coming from any other direction, especially 99 they are going to have to jump a curb or backtrack, from what he understands from what is going to be put in the median at that intersection. He said that should be a concern to everybody. He said clearly Washington County planners did not visit this site on a Friday or Saturday night or Sunday afternoon when the theater is



busy and restaurants are busy. He said the initial planners when that was developed, they put two left hand turn lanes on the eastward bound Tualatin-Sherwood Road, now Washington County is saying we don't need any left hand turn lanes. He said Trimet has a park and ride there and 50 or 60 people use that daily, he said he called Trimet to see if they knew about this and they recently just heard of the decision and they have a bus stop in that ride and park. He said he is here to ask the Council to contact, write the Washington County Commissioners and ask them to pull back the decision and allow for a truly open public process about that decision so that we as citizens can find a real solution to our traffic issues along that road. Taking away those left hand turns into both complexes is not going to solve any problems and will make more problems.

Jos Jacobs Morgan Rd. Sherwood, came forward and stated he sent an email to the Council a few weeks ago and asked the Council to take a position of opposition of the new Tonquin Quarry application on Tonquin Road and Morgan Road. He said he is asking this of the Council as they are representatives of the City residents. He said he was here a few weeks back and heard the Council speak of how bad the traffic was on Tonquin Road and getting to I-5 is a problem for Sherwood residents. He said this quarry will make that a lot worse, they are talking about 450 trucks per day, this is one dump truck every few minutes. He said there is nothing in it for Sherwood except the nuisance of getting behind the trucks. He said they had a petition online against the quarry and said it has a few hundred people from Sherwood and their comments indicate concerns for the Refuge or the traffic. He said he believes there is a real concern from Sherwood people about this quarry. He said there are a few people that live on Morgan Road and it's a safety issue for them as their kids attend Sherwood schools and are being picked up in the morning and dropped off at night on Morgan Road and with 450 loaded dump trucks per day on Morgan, this is not a safe situation and they are worried about this. He commented regarding younger children running in the area and not being very smart and this being a dangerous situation that he believes we should try and take a position against and express concerns. He said both cities Tualatin and Wilsonville have written letters to Clackamas County Commissioners and if Sherwood submits a letter it should be in to the Board for their public hearing on October 16<sup>th</sup>.

Naomi Belov Sherwood resident came forward and thanked the Mayor for his article in the Gazette. She asked regarding road improvements in Sherwood and noticed that \$500,000 was spent on Langer Farms Parkway and this is \$500,000 of our urban renewal money and our art center money. Ms. Belov asked if this was correct. Mayor Middleton responded that he would get back to Ms. Belov. She stated it was her understanding the urban renewal bond was there for blighted areas of old town and not the Langer PUD Phase 7, which is a field. She asked the Council why did they vote to have \$500,000 of art center money to go towards a connector road to the Walmart building. She said she believes this is poor planning on the Council's part as well as the misuse of the public funds. She commented regarding doing a study and speaking to Mayor Mays about it because they wondered why Lincoln street looked so ugly, when other parts of Sherwood had nice sidewalks and it is safe for people to walk. She said they noticed a lot of people walk up and down between Willamette Street and Division Street. She said she and her children went through the neighborhood before they heard of the Walmart development and went door to door asking what would they do to improve the safety of their street. She said they had a petition (see record) and some of the suggestions are for sidewalks, street lamps, power lines underground, etc. She said they measured the width of the street and it goes from 20 feet at Willamette Street to 19 and then expands to 24.5 feet and then goes back to 17 feet and then up to 30 feet. She asked the Council why they choose to take our public funds and put in a connector road into a development such as the Langer Phase 7 of the PUD and the Walmart rather than to increase the safety of the other streets.

Mayor Middleton reminded that people can submit written comments to City departments and staff would respond.

Erin Rising Sherwood resident came forward to commented regarding the traffic light in front of the Regal Theater and said she works there and she is concerned that it will make her commute, especially if she was working the opening shift and trying to leave at 5:30 would be horrendous for her, her fellow workers and anybody in that complex trying to get out, and you could only go to 99 with the right turn only. She commented not being able to go into town and being stuck with dealing with the 99 traffic and how messed up Tualatin-Sherwood can be.

Ann Reid nonresident, from Sherwood Rose's Bakery came forward and said the Sherwood Rose's has been serving Sherwood for over 10 years from the cinema center, and this is regarding the traffic signal at Albertson's. She said Rose's Restaurant has a history in the area for over 80 years and said the Sherwood Rose's is the hub for the main history of the restaurant. She said they support the community, schools, athletics and local events such as the Robin Hood Festival, Onion Festival and many others. She said we have weekly specials for children, seniors and veterans and employ 40 people at this restaurant. She said the removal of this light they feel will have a huge impact on their business and the tenants. Their employees and customers are the heart of the restaurant and many employees at the Sherwood location have worked there since its opening and supported the community for many years. She stated if the removal of the light has the impact they foresee it will affect their sales, employees jobs and customer convenience and said it also seems to be a huge safety concern for traffic and pedestrians coming in and out of the center. She said they have been in Sherwood for over 10 years and many staff and customers are from Sherwood. She said it's hard to see a light removal moving forward and creating a negative effect on a restaurant that has served the community for many years and creates a local traffic issue. She said we need your help in supporting a local business that is very active in the community.

Rose's General Manager came forward and said she has lived in Sherwood her entire life, over 21 years and graduated Sherwood high school in 2006 and said Sherwood is a big part of her life and now works here. She said a lot of our customers and employees love Rose's and love Sherwood. She said what's upsetting to them is they want to make sure everyone understands what a big impact it will be if the light is taken out. She said a lot of you and business people come to Rose's and if the light is taken out that could mean we are no longer in business. She said we want to make that aware to everyone and Rose's is a staple of Portland and a huge staple of Sherwood and we are involved in everything.

Jim Claus 22211 SW Pacific Hwy came forward and commented regarding the Council doing damage control of Walmart and asked why did they not do a letter of intent 2.5 years ago so we could have really done some damage called land use planning. He said you have two Sherwood's now, Langer Land and urban renewal and the rest of us. He suggested the Council talk to Andy Sterling and said he had to call a state building code, he referred to Bill and a conflict of interest, and said you have two different worlds, a different zoning, different building and different engineering staff. He referred to some parking and it being built under 25 years ago standards, no landscaping standards or anything the rest of us have to do. You have code officials that are not going over there until you call the state code on them and because there is a state building code, now that Pat Allen is not the director of the planning department, they are starting to send people down. He said you're going to have a monstrous problem that you have created two different worlds and believes after our first experience in court, everybody is seeing the

conspiracy to restrain trade and that is exactly what you are doing and there are motives behind what you are doing. He said we cannot compete and when Langer's sold their ground for 15 a foot, if you go through the cost they saved because of that 95 code they are following, they gave it to Walmart and that is what their letter of intent required. He said in 2.5 years we had all these code changed all of which Mr. Langer voted on. He said to Mayor Middleton that when he came in as Mayor, he saw to it that Mr. Langer sat front and center to the urban planning commission. He commented regarding Mark Cottle voting on the school purchase when he owned the property next store and this was his first ethics cite, a class c misdemeanor. He asked the Council what they thought occurred last week when they voted on the Sherwood Town Plan and Mr. Langer participated and voted. He said he would advise the Council to get legal counsel that is not making money from this activity and that is interested in looking at all the questions, because as we start to bring this to the courts attention, I've had a number of cases get to appellate court and one to the supreme court and they are just starting to be exhausting administrative premise in reaching finality. He said the Council better hope they don't get a class action, because Langer's nor Barry Cain have enough money to pay the bill and we will look at you folks. He said that is exactly what has gone on in this town, you have restrained trade, you're now taking about writing codes to damage it, Groth can't even get out there and stop the trucks that are illegally coming down Langer's road and going over it. He told the Council to be careful as their conspiracy is becoming evident to a lot of people.

Mayor Middleton addressed the next agenda item.

## **10. COUNCIL ANNOUNCEMENTS**

Councilor Folsom asked City Manager Gall and Assistant City Manager Pessemier where people can go to voice their concerns about Washington County and the most effective way our citizens can let the County Commissioners know of their concerns.

Tom Pessemier stated Washington County came to the Council a few weeks ago to give an update on the Tualatin-Sherwood Road project and a lot of what they talked about was the decision to move the signal as well as alternative access and that is something I heard today. He said they are working on trying to solve a very complicated problem in regards to the many, many comments we have heard about Tualatin-Sherwood Road and being able to get through and the traffic issues. He said their proposal is to remove the signal and provide alternative access into this development and they talked about moving the left turns down to Baler Way, just beyond Les Schwab and they also spoke about pursuing a right-in, right-out off of 99W potential to provide alternative access. He said they also mentioned that they would be putting in a pedestrian crossing at the location of the existing signal. He said he doesn't know of any additional meetings the County has scheduled at this point and said it's a good opportunity to get better informed on what the proposals are as well as if people have specific concerns after listening to the staff presentation then it would be best to go to a Washington County meeting, they have community comments just as we do.

Julia Hajduk added there is an open house the County is holding on October 16<sup>th</sup> at the Sherwood Police Station. City Manager Gall added the Gazette indicated from 5-7 pm in the Community Room. Julia said her understanding of the purpose is for them to share the design and it's not really a debate over the signal coming out or not, and more to discuss the design and receive comments on that. She said concerned citizens can go and provide feedback and hopefully get some answers. She said the County has been working on this and the City and City staff have been involved with the County

throughout the process but it's the County that has been working on this for a long time and looking at different options and alternatives.

Councilor Folsom stated she hears the concerns of the citizens and appreciates them coming forward.

Councilor Butterfield reminded that our Sherwood High School Football Coach has been nominated for Coach of the Year and if anyone is interested in voting, you can go to the high school athletic website or the Sherwood Booster Club website and select a link to vote for Coach Lawrence. He said the voting is from Sept 30<sup>th</sup> to October 5<sup>th</sup> and this will be the first round and there will be another round of voting as he makes the short list.

Councilor Clark added to Councilor Butterfield's announcement she has the date as October 9<sup>th</sup> and said if you go to USA Today, you can vote until Monday October 8<sup>th</sup> at 9 am.

Mayor Middleton thanked Julia Hajduk Community Development Director for the fantastic update from her department and said it really opens his eyes to know what staff does and said it will mean a lot down the road when people ask what staff is doing. He said he would like to see a report from all departments. He said he spoke with City Manager Gall and once it's defined staff can add the reports to the Council's monthly packets. He said the report could be a brief update to keep the Council informed and the Council can use them to inform the public, he said some of the projects listed he was not aware of.

Mayor Middleton addressed the next agenda item.

## **11. CITY MANAGER REPORT**

City Manager Gall informed the Council of new staff who recently joined the City. Tom Pessemier introduced HR Analyst Sherryl Childers and provided a brief report on Sherryl's experience and background and Julia Hajduk introduced Michelle Burchfield Administrative Assistant II in the Community Development department and provided a brief background.

Mr. Gall asked Finance Director Julie Blums to report on an award the City recently received. Julie explained for the first time in ten years the City earned a Certificate of Achievement for Excellence in Financial Reporting. Julie stated this is a complement to the Budget Award we have received. She said the certificate represents that the City's financial statements are to a higher standard than what is required by state law. Julie reported only 37 of 243 cities in the state have received this award.

Mr. Gall added that Julie primarily worked on the CAFR and this was one of her goals to achieve. He said there is a third GFOA award that we currently don't get and we will be working on to achieve.

## **12. ADJOURN**

Mayor Middleton adjourned the regular session and reconvened to the Executive Session at 8:57 pm.

## **EXECUTIVE SESSION**

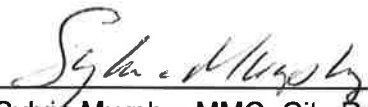
**1. CALL TO ORDER:** Mayor Middleton called the Executive Session to order at 9:05 pm.


- 2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, Bill Butterfield, Robyn Folsom, Krisanna Clark and Matt Langer.
- 3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joe Gall, City Recorder Sylvia Murphy and City Attorney Pam Beery.
- 4. **TOPIC:**
  - A. City Manager Performance Evaluation, pursuant to ORS 192.660(2)(i) Performance Evaluation and 192.660 (2)(f) Exempt Public Records.

5. **ADJOURN:**

Mayor Middleton adjourned the Executive Session at 9:37 pm and reconvened the regular Council session to adjourn the regular session. The regular Council session was adjourned at 9:39 pm.

Submitted by:

  
Sylvia Murphy, MMC, City Recorder

  
Bill Middleton, Mayor

City Recorder Note: Due to video equipment failure, only audio records are available.